BURGLARY, §713.5

713.5 Burglary in the second degree.

1. A person commits burglary in the second degree in either of the following circumstances:

- *a*. While perpetrating a burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.
- b. While perpetrating a burglary in or upon an occupied structure in which one or more persons are present, the person does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.
 - 2. Burglary in the second degree is a class "C" felony.
- 3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

[C79, 81, \$713.3] C83, \$713.5 92 Acts, ch 1231, \$59; 94 Acts, ch 1107, \$17; 2010 Acts, ch 1104, \$18, 23 Referred to in \$692A.102, 692A.126